

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

EDWARD J. RUTLAND, SR.,

Plaintiff,

v.

Case No. 3:20-cv-1272-J-32JRK

RUSSELL M. NELSON, President
of Church of Jesus Christ of Latter
Day Saints,

Defendant.

ORDER

This case is before the Court on plaintiff Edward Rutland's Civil Rights Complaint Form, which the Court shall treat as a Complaint. (Doc. 1). While defendants have not been served, the Complaint on its face does not provide grounds for this Court's jurisdiction.

Rutland alleges abuse from clergy and "damage to the posterity of high priests church composure and constant disciplinary persecution mental, physical, & spiritual." (Doc. 1 at 2). It appears from the documents submitted with the Complaint¹ that his allegations stem from the Church of Latter Day

¹ These include letters from the leadership and legal representatives of the Church of Latter Day Saints forbidding Rutland from participating in Church activities or entering Church property (Doc. 1-1 at 2, 22, 24, 27–29), evidence of Rutland's full Veterans Affairs disability coverage, (Doc. 1-1 at 7–9), and Rutland's own allegations about timelines and events in his relationship

Saints’ 2013 decision to “disfellowship” Rutland, or prevent him from holding lay leadership positions in the Church, (Doc. 1-1 at 22), and its 2020 prohibition against him from entering Church property or contacting Church leaders (Doc. 1-1 at 2).

This case asks the Court to answer questions of internal church governance. Courts may not inquire into “matters of ecclesiastical cognizance and polity,” as to do so “contravene[s] the First and Fourteenth Amendments.” Serbian Eastern Orthodox Diocese for U. S. of America and Canada v. Milivojevich, 426 U.S. 696, 698 (1976); see also Myhre v. Seventh-Day Adventist Church Reform Movement Am. Union Int’l Missionary Soc’y, 719 F. App’x 926, 928 (11th Cir. 2018) (“Civil courts lack jurisdiction to entertain disputes involving church doctrine and polity.”). Courts may inquire into “purely secular disputes between third parties and a particular defendant,” Gen. Council on Fin. & Admin. of United Methodist Church v. Superior Court of California, San Diego Cty., 439 U.S. 1355, 1373 (1978), such as negligent hiring or property disputes. But the First Amendment prevents this Court from ruling on any matters of internal governance of churches, including the Church of Latter Day Saints’ decision to disfellow Rutland, and any subsequent action relating to his role in the Church. No amendment of the Complaint can cure this problem.

with the Church of Latter Day Saints and the military (Doc. 1-1 at 3–6, 10–12, 23, and 25–26).

Accordingly, it is hereby

ORDERED:

This case is **DISMISSED** without prejudice for lack of subject matter jurisdiction. The Clerk shall close the file.

DONE AND ORDERED in Jacksonville, Florida the 13th day of January, 2021.



Timothy J. Corrigan

TIMOTHY J. CORRIGAN
United States District Judge

agb

Copies:

Pro se plaintiff